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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,343	08/09/2001	Gerd Jakob Ernst Scheller	CH 000016	4400

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2614

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,343

Applicant(s)

SCHELLER ET AL.

Examiner

Md S. Elahee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 03/09/2005. Claims 1 and 3-7 are pending. Claim 2 has been cancelled.

Response to Arguments

2. Applicant's arguments filed on 03/09/2005 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Objections to Specification

3. The disclosure of the specification filed on 08/09/2001 is objected to because of the following informalities: the specification does not have the preferred layout. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Objections to Abstract

4. The abstract of the disclosure is objected to because the abstract has two paragraphs.

Correction is required. See MPEP § 608.01(b).

Drawings

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a legend describing the labels on the Figures as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required

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in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakamura et al.** (U.S. 6,529,714) and in view of **Donnelly** (U.S. 3,870,184).

Regarding claims 1 and 6, **Nakamura** teaches a radio communication equipment [i.e., portable electronic apparatus] whose housing is provided with a housing part that is constructed as a lid [i.e., lever element], which is arranged in a wall of the housing and is arranged to cover at least partly a battery pack (abstract; fig.1, 2; col.2, lines 54-65).

However, **Nakamura** does not specifically teach the lever element being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect. **Donnelly** teaches the belt clip [i.e., lever element] being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect (abstract; col.2, lines 52-61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Nakamura** to incorporate the lever element being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect in order to use the lever element for multipurpose.

Regarding claim 5, **Nakamura** teaches that the lever element is constructed as an angled metal plate so as to cover a battery pack (fig.1; col.2, lines 54-65).

Claim 7 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, **Nakamura** teaches a lid [i.e., lever element] which offers inherently protection against shocks and pressure and also protects the accumulator (abstract; fig.1, 2; col.1, line 66, col.2, line 7, col.2, lines 54-65, col.3, lines 23-29, 48-54).

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8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakamura et al.** in view of **Donnelly** further in view of **Fuchs et al.** (U.S. 3,870,184).

Regarding claim 3, **Nakamura** teaches the lever element is arranged to inherently open battery storage recess [i.e., closures] and is connected to the housing (fig.1, 2; col.2, lines 54-65, col.4, lines 19-24, 32-39).

However, **Nakamura** in view of **Donnelly** fails to teach metal closures. **Fuchs** teaches metal closures (abstract; col.1, lines 60, 61). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Nakamura** in view of **Donnelly** to allow metal closures as taught by **Fuchs**. The motivation for the modification is to have doing so in order to increase the hoop strength.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakamura et al.** in view of **Donnelly** further in view of **Savovic et al.** (U.S. 5,260,146).

Regarding claim 4, **Nakamura** in view of **Donnelly** fails to teach that the lever element is made of metal and/or ceramic. **Savovic** teaches that the lid [i.e., lever element] is made of metal and/or ceramic (col.3, line 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Nakamura** in view of **Donnelly** to allow the lever element being made of metal and/or ceramic as taught by **Savovic**. The motivation for the modification is to have doing so in order to connect the anode to the positive terminal.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Piper (U.S. 5,586,184) teach Battery latch for cellular telephone, and


Karl et al. (U.S. 5,535,365) teach Portable radio battery latch.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME
MD SHAFIUL ALAM ELAHEE
May 28, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

legend problem

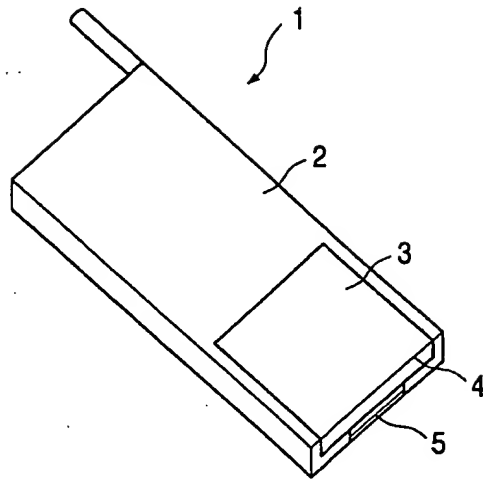


FIG. 1

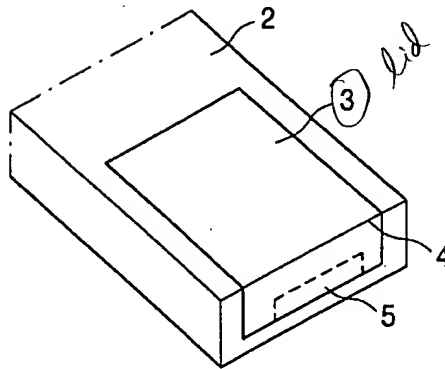


FIG. 2

09925343-08090-1